IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 513 of 2001

with

CIVIL APPLICATION No 682 of 2002

with

CIVIL APPLICATION No 13159 of 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MODERN CONSTUCTION CO.PVT.LTD.

Versus

MUKAT PIPES LTD.

Appearance:

1. Appeal from Order No. 513 of 2001

MR MIHIR H JOSHI for Appellant No.

MR JR SHAH for Respondent No. 1

MR RC JANI for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 03/03/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the directions issued in the injunction application exh.5 by order dated 26/12/2001 by the learned Judge, City Civil Court, Ahmedabad in Summary Suit No.5200 of 2001.

2. Learned counsel for the parties have agreed that the impugned order of the trial Court may be quashed and set aside with a direction to expedite the hearing of the suit in question, since the suit is of the year 2001 and the claim raised by the plaintiff and the counter-claim of the respondent are required to be decided expeditiously.

3. In the result, this appeal is allowed. In view of the consensus arrived at between the parties, the impugned order of the City Civil Court, Ahmedabad dated 26/12/2001 passed below exh.5 in Summary Suit No.5200 of 2001 is quashed and set aside. The City Civil Court, Ahmedabad is directed to expedite the hearing of the suit being Summary Suit No.5200 of 2001 and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of two years from the date of receipt of writ of this order. Parties are directed to maintain status quo as on today till the said suit is finally disposed of. Office is directed to send writ of this order forthwith.

ORDER IN CIVIL APPLICATION

In view of the order passed in the main matter, these civil applications will not survive. They stand disposed of accordingly.

[K. S. JHAVERI, J.]
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